IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 988 OF 2007

The President, Shikshan Prasarak Mandal, Kumthe & Ors..... Petitioners
V/s
Sadashiv Aagatrao Choure & Anr..... ..... Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Mr.V.B.Naik, Adv. for the petitioners.

CORAM: A.P. DESHPANDE, J.
13.4.2007

PC:

The school management, by filing this petition takes exception to an order passed by the Presiding Officer, School Tribunal dated 6.1.2006 by which delay in filing the appeal has been condoned as the Tribunal had come to conclusion that the respondent was pursuing a wrong remedy before a wrong Forum.

2. The respondent who has put in about 25 years of service as a teacher was terminated for the first time in the year 2000.

Against the oral termination he preferred an appeal bearing No.398/2000 and in the said appeal also moved an application for stay of the notice of termination. The Tribunal granted the stay as prayed for and thus the respondent was reinstated in service by the petitioner. Yet again during the pendency of the appeal respondent was terminated from service and instead of filing a fresh appeal the respondent chose to file an application seeking stay of termination effected for the second time during the pendency of appeal filed in the year 2000. The Tribunal rejected the said application by accepting the contention of the present petitioner that the subsequent termination constitutes a fresh cause of action. Upon rejection of the application by the Tribunal the respondent preferred a writ petition before this Court and the writ petition also came to be dismissed. The net result of dismissal of the petition was that the grievance in relation to the second termination could not be made subject matter in the appeal filed in the year

2000. Realising that the respondent was persecuting wrong remedy before wrong Forum he filed an appeal before the school Tribunal. As there was delay in filing the appeal an application for condonation of delay was also filed explaining that the respondent was persecuting wrong remedy before wrong Forum. The Tribunal has accepted the reasons set out for condonation of delay. I have perused the order. Same is very much just and proper and does not call for any interference in exercise of writ jurisdiction as there is no illegality whatsoever committed by the Tribunal. Hence writ petition is summarily dismissed.

13.4.07.